TABLE OF CONTENTS

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE NARRATIVE
IV 2101948
URN: 402-00069-2003-325

Subjects: **GARCIA, Roel D. , DEPUTY,** [redacted]
TEMPLE STATION
Field Operations Region III

Date: **June 15, 2002**

Location: **1050 Huntington Drive, Duarte "Target Store"**

Investigator: **Sergeant Elier Morejon**

Case Synopsis:

This case pertains to allegations that Deputy Roel Garcia violated Policy Sections *3-01/030.10 Obedience to laws, Regulations and Orders re: Filing a false police report, 118.1 PC, 3-01/050.10 Performance to Standards.*

On August 13, 2002, the Internal Criminal Investigations Bureau was requested to conduct an investigation into an allegation that Deputy Roel Garcia misstated facts for an arrest on a police report, wherein he changed the amount of stolen/recovered property from $1022.26 to $396.62 to reflect a misdemeanor crime versus a felony.

On November 22, 2002, the case was formally presented to the office of the Los Angeles County District Attorney - Justice Integrity Division for filing considerations. On August 26, 2003, D.D.A. Dan Baker declined to file charges. **(See Exhibit - A, Page 16b)**

On June 15, 2002, [redacted] shoplifted $946.59 (without tax) worth of merchandise from a Target Store in the City of Duarte. [redacted] was homeless and was eight and one-half months pregnant. [redacted] was taken into custody by Target Loss Prevention Agents [redacted] and [redacted] who observed her steal the merchandise. Deputy Garcia responded to the store and in spite of the value of the merchandise [redacted] had taken, he cited her out on a misdemeanor charge of Petty Theft. **(See Exhibit A - Page 43)**

The investigation has revealed multiple discrepancies between Deputy Garcia's statements as to the facts surrounding this case and those of Loss Prevention Officer [redacted] Deputy Garcia states that [redacted] provided him with identification, [redacted] said that [redacted] had no identification in her possession.

IAB NOTE: A review of the call made to Temple Station by Loss Prevention Officer [redacted] clearly revealed that he advised desk personnel that they were detaining a female black, eight and one-half months pregnant and with no identification. (Audio tape of the call will be part of this case and kept at IAB)

IAB NOTE: Internal Criminal Investigators interviewed [redacted] and asked her if she had identification in her possession when she was arrested on June 15, 2002. [redacted] told investigators that she did not have identification in her possession, she told the deputy her California Driver's License number from memory.

Deputy Garcia said that he does not recall ever seeing or receiving a narrative regarding the arrest by loss prevention officers or an itemized receipt indicating the stolen/recovered items. Loss Prevention Officer [redacted] said that he wrote a narrative regarding the arrest and provided it to Deputy Garcia. He also gave Deputy Garcia an itemized receipt list of the stolen/recovered merchandise totaling $946. 99. Deputy Garcia said that Loss Prevention Officer [redacted] verbally told him the items that were stolen, which totaled $396.62, and he proceeded to write them down in his field notebook to later help him write his police report.

IAB NOTE: A check of the "Target" computer system for the narrative portion of the arrest which Loss Prevention Officer [redacted] said he gave to Deputy Garcia revealed that it was created on June 15, 2002 at 7:51 PM. The itemized receipt of the stole/recovered property was created at 7:56 PM. Both of these documents were created prior to Deputy Garcia's arrival. (See Exhibit - B)

IAB NOTE: Investigators asked Deputy Garcia to provide them with his field notebook which included his notes from the incident. Deputy Garcia told investigators that he no longer had that particular field notebook because he lost it.

IAB NOTE: Deputy Garcia's report had six stolen/recovered items totaling twenty five stolen items for a monetary value of $396.62. The Part I Statistical Information portion of the report indicates a monetary stolen/recovered total value of $316.62

Deputy Garcia said that during his interview with [redacted] she told him that she had not entered the store with the intent on stealing any items. Loss Prevention Officer [redacted] said [redacted] told him that she had stolen the items so that she could sell them.

Loss Prevention Officer [redacted] said that he photographed the stolen/recovered items and kept the items inside the security office for Deputy Garcia to see when he arrived. Deputy Garcia said that no photographs were given to him and that the stolen/recovered items had been returned to the shelves prior to his arrival. **(See Exhibit - C, Photographs of security office interior)**

> **IAB NOTE: Loss Prevention Officer [redacted] provided investigators with three Polaroid photographs which he said he took and gave to Deputy Garcia the night of the incident but Deputy Garcia left them behind. (See Exhibit -A, Page 32)**

> **IAB NOTE: Internal Criminal Investigator Sergeant Garza found approximately twenty petty theft reports written by Deputy Garcia since he has been assigned to Temple Station. All reports have an itemized receipt attached to them and photographs of the stolen/recovered items booked as evidence. These reports are kept in the Internal Criminal Investigators file.**

SUBJECT INTERVIEW

DEPUTY ROEL GARCIA

Deputy Roel Garcia was interviewed by investigators on February 24, 2004 **See transcribed subject interview for details.**

SWORN WITNESS INTERVIEWS

DEPUTY [redacted]

Deputy [redacted] was interviewed by investigators on March 26, 2004. Deputy [redacted] has been working as a patrol deputy at Temple Station for approximately four years. Deputy [redacted] said that on June 15, 2002 he was working [redacted] in the City of Duarte. Deputy [redacted] said he responded to the Target store and met up with Deputy Garcia who had received a call of a shoplifter being detained. Deputy [redacted] said this was the first time he has ever been to that particular Target store. Deputy [redacted] does not remember if he was actually assigned the assist to the call or if he assigned himself to it. He and Deputy Garcia walked inside the store and walked into the security office which was to the left of the main entrance to the store.

Deputy [redacted] said that he and Deputy Garcia entered the security office. Deputy Garcia walked towards the rear of the office where a female black [redacted] was seated. Deputy [redacted] turned to the right and started to look at the stores security monitors. Deputy [redacted] said he did not hear any of the conversation between Deputy [redacted] and the security guards while inside the security office. A short time later, about five minutes, Deputy Garcia escorted [redacted] out of the security office and told Deputy [redacted] that he was taking her outside to run her for warrants. Deputy [redacted] said that Deputy Garcia took [redacted] and placed her in his patrol car and ran her for warrants. Deputy [redacted] saw that Deputy Garcia was holding some type of identification from [redacted] but could not tell whether it was a California Drivers license or some other type of identification. Deputy Garcia then asked Deputy [redacted] to watch [redacted] because he was going to go to the sub-station, which is about fifty feet away, and run her for priors. Deputy Garcia returned and told Deputy [redacted] that she had no priors.

Deputy [redacted] said he then walked towards one of the security officers and started talking to him about unrelated events, crime in the City of Duarte and becoming a police officer. Deputy [redacted] said as he stood around he remembers that there was some confusion about "a list" of the stolen merchandise. Deputy [redacted] remembers Deputy Garcia asking the security officers for a list of the stolen items and its value. He remembers the security guards entering and exiting the store several times. He does not know if Deputy Garcia ever received a list of the stolen items or not, he never saw a list. Deputy [redacted] was told by Deputy Garcia that the crime was a petty theft. He said he then contacted the Sergeant (nfd) over the radio and ran the arrest by him and got an "OK" to book.

Deputy [redacted] said that while he was inside the security office he never saw any of the stolen/recovered property. Deputy [redacted] was shown two Polaroid pictures of the stolen/recovered items and asked if he ever saw the depicted items on the pictures while he was inside of the security office. He said he never saw the stolen/recovered items but they could have been inside and he just did not see them. Deputy [redacted] never saw any Polaroid pictures during this incident.

Deputy [redacted] said he never had a discussion with the security officers regarding the fact that they did not have the elements of a petty theft or shoplifting. Deputy [redacted] said he never heard Deputy Garcia tell the security officers that he did not want to take [redacted] to jail because she was eight and one half months pregnant. He never heard Deputy Garcia telling the security officers that he did not want to take [redacted] to jail because he didn't want to leave his partner alone.

Deputy [redacted] said that during this incident he never paid attention to the conversations between Deputy Garcia and the security officers. He said was not concerned because he was not handling the call.

Deputy [redacted] said that [redacted] was eventually cited and released.

WITNESS INTERVIEWS

MR. [redacted] - LOSS PREVENTION OFFICER
1050 Huntington Drive
Duarte, Ca. 91010
(626)303-8858

On August 23, 2002, Mr. [redacted] was interviewed by Internal Criminal Investigator Sergeant Enrique Garza. The interview was audio taped and kept in the investigators file. Internal Affairs Investigators did not interview Mr. [redacted] because he no longer works for Target and has since moved to [redacted]

The following verbatim summary is taken from Sergeant Enrique Garza's Supplemental Report. (The exhibits referred to in the following summary are all contained in Exhibit - A)

On August 23, 2002, at approximately 1449 hrs., I contacted Mr. [redacted] in the security office at the "Target" store in the city of Duarte. I explained to Mr. [redacted] that I was from the L.A County Sheriffs Department Internal Criminal Investigations Bureau and was there to investigate an allegation that Deputy Roel Garcia had misstated facts on an arrest report. Mr. [redacted] agreed to talk to me. The following is a summary of our conversation which was audio taped.

Mr. [redacted] said that on Saturday June 15. 2002, He was working loss prevention at the City of Duarte Target store. He was training a new employee, [redacted] who was also present. At approximately 1930 hrs. they saw an African-American couple enter the store. Their attention was drawn to the female who was pregnant, because she matched the description given by employees of a woman who had been there two days earlier "casing" the store.

Mr. [redacted] and Mr. [redacted] began a "floor observation" of the couple. They followed them through the store and watched the couple take various items from department shelves, then walk to other departments within the store and remove the items from their packaging. After obtaining several items, the couple went into the grocery department, where they selected a large plastic storage container and concealed all the merchandise inside.

The male walked out of the store alone and a short time later, the female exited the store pushing a Target shopping cart which contained the plastic container with the stolen merchandise inside. She passed several manned registers and did not make any attempts to pay for the items she had concealed in the storage container.

Mr. [redacted] contacted the woman outside the store, identified himself as Target Security and escorted the woman back inside the store to the security office where he detained her pending the

arrival of Sheriff's deputies.

Prior to the deputies' arrival. Mr. [redacted] inventoried the stolen items and prepared a Target incident report which was documented under Case No. 5110395-2 (Refer to Exhibit A for the Target incident report). He also added up the prices of the stolen merchandise which totaled 946.59. excluding tax (Refer to Exhibit B for the itemized receipt of the items), and photographed the woman, the plastic container and the merchandise (Refer to Exhibit C for photos).

When deputies arrived. Mr. [redacted] gave them an account of what had occurred and gave the handling deputy a copy of the narrative portion of his report. The deputy, later identified by a photograph as Deputy Roel Garcia (Refer to Exhibit 1, for Deputy Garcia's photo) then handcuffed the female and escorted her to his patrol car. Once outside, the other deputy, Deputy [redacted] identified by photograph (Refer to Exhibit E for Deputy [redacted] photo) tried to persuade Mr. [redacted] that he did not have the required elements of a crime, that the closest thing he had to a crime was only an "attempt theft' because he had detained the female inside of the store.

Mr. [redacted] told Deputy [redacted] that he had detained the female outside the store and therefore, had affected a lawful arrest. Deputy [redacted] told him he still did not have all the elements present for an arrest. When Mr. [redacted] asked him which elements he was missing, Deputy [redacted] did not answer and instead walked to Deputy Garcia's patrol car and started talking to Deputy Garcia.

A short time later Deputy Garcia approached Mr. [redacted] who was still outside the store, and started giving him excuses why he should not arrest the female. Deputy Garcia told him he would need to release the female because she was pregnant. He then said he was wasting his time arresting a female for a minor violation when there were some more serious violent offenders to apprehend. He also said he did not want to leave his partner, Deputy [redacted] alone out in the street because it was dangerous. Deputy Garcia told him he (Garcia) would rather "write her a ticket and let her go."

Mr. [redacted] said that Deputy Garcia gave him a blank Private Person's Arrest form and instructed him to sign it and make three copies for him which he did. Mr. [redacted] said he signed his name at the top and bottom of the form as required and wrote the female's name where indicated. The rest of the form was blank (Refer to Exhibit F for the Private Persons Arrest form submitted by Deputy Garcia).

Mr. [redacted] believing it would be of no use to try and justify his arrest to both deputies, went back inside the store. The next day he notified his supervisor [redacted] and told her about the contact he and Mr. [redacted] had with the deputies.

I showed Mr. [redacted] the Private Person's Arrest form submitted by Deputy Garcia with his crime report, and pointed out that the female was arrested for "Petty Theft 484(a) PC." Mr. [redacted] said the arresting charge was never discussed with Deputy Garcia so he did not know why he wrote that particular charge, versus the felony charge he believed was applicable.

He said that prior to going back inside the store, he gave Deputy Garcia the following documents:

- the Private Person's Arrest form with a blank charge line.
- an itemized receipt of the stolen/recovered merchandise totaling $946.59.
- a copy of the narrative portion of his report.

Note: According to Mr. [redacted], Deputy Garcia did not take photographs of the stolen/recovered items. This appeared strange to him because deputies usually take photos for evidentiary purposes. He added the merchandise, and the large plastic container, were still in the loss prevention office when the deputies arrived and were clearly visible to them.

I read a portion of the crime report written by Deputy Garcia documented under file #102-08500-0541-383 (Refer to Exhibit G for Temple Sheriff's Station Petty Theft report) to Mr. [redacted] Mr. [redacted] said the obvious discrepancy was the amount of the merchandise taken by the suspect. According to the Sheriffs report the merchandise taken totaled $396.62 I also noted that Deputy Garcia mentioned in his report that he did not take photographs of the stolen/recovered merchandise because it had been put back on the store shelves prior to his arrival, which Mr. [redacted] reiterated was not true. The receipt submitted by Mr. [redacted] was not submitted with Deputy Garcia's report.

MR. [redacted] - LOSS PREVENTION OFFICER
1050 Huntington Drive
Duarte, Ca. 91010
(626)303-8858

On August 23, 2002, Mr. [redacted] was interviewed by Internal Criminal Investigator Sergeant Enrique Garza. The interview was audio taped and kept in the investigators file. Internal Affairs Investigators did not interview Mr. [redacted] because he no longer works for Target and no forwarding address was available.

The following verbatim summary is taken from Sergeant Enrique Garza's Supplemental Report

At approximately 1514 hrs., I contacted Mr. [redacted] in the loss prevention office at the Target store in the City of Duarte and told him I was from the Los Angeles County Sheriffs Department Internal Criminal Investigations Bureau and was there to investigate an allegation that Deputy Roel Garcia had misstated some facts on an arrest report. Mr [redacted] agreed to talk to me. The following is a summary of our conversation which was audio taped.

Mr. [redacted] told me that the day in question he was being trained as an Asset Protection Specialist by Mr. [redacted] In regards to the alleged incident, he stated essentially the same as Mr. [redacted] He added besides telling them they did not have all the elements present for the arrest Deputy Garcia told him he could not take the female to jail because he did not want to leave his partner alone in the City of Duarte.

Mr. [redacted] said that he told Deputy Garcia that they had all the elements present for the arrest. He told him they ([redacted] and [redacted]) had observed the couple enter the store, select the desired items, and conceal them. They then maintained a visual of the female until she walked out of the store without paying for the items. Mr. [redacted] said they detained the female approximately four feet outside the front entrance.

MR. [redacted] - LOSS PREVENTION OFFICER
1050 Huntington Drive
Duarte, Ca. 91010
(626)303-8858

On March 23, 2004, investigators interviewed Mr. [redacted] Target Loss Prevention Officer. Mr. [redacted] was interviewed regarding Target's store policy. Mr. [redacted] said that although he was not employed by Target at the time of this incident he did have the opportunity to work with Mr. [redacted] prior to him leaving the company. Mr. [redacted] said that it is company policy that reports regarding the arrest of suspects be written within twenty four hours. Mr. [redacted] also said that itemized receipts and Polaroid photos of the stolen/recovered items are always produced and given to responding deputies. Mr. [redacted] said that he worked with Mr. [redacted] for a period of about five months. During the times he worked with Mr [redacted] he knew him to always write a narrative report, take Polaroid photographs of the stolen/recovered items and give them to the responding deputies. He also said that it is customary for the stolen/recovered items to be left inside the loss prevention office until the deputies can respond and see them. Only then are they placed back on the shelves. Mr. [redacted] said he never saw Mr. [redacted] not following these same procedures.

> **IAB NOTE: Mr [redacted] provided investigators with the date and time that Mr. [redacted] narrative report was written. He gathered this information from Target's computer system which permanently logs the date and time a report is generated. (See Exhibit - B)**



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

July 6, 2004

Deputy Roel Garcia, #[redacted]

Deputy Garcia:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective at the close of business on July 27, 2004.

An investigation under File Number IAB 2101948, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders; and/or 3-01/050.10, Performance to Standards; and/or 3-01/040.70, False Statements, on or about June 15, 2002, while assigned a shoplifting incident at the Target Store in the City of Duarte wherein the Loss Prevention Officers had arrested a pregnant female suspect for stealing nearly $1,000 in merchandise, you documented the incident erroneously in an official incident report, as evidenced by, but not limited to, recording the amount of stolen merchandise as under $400; and/or omitting the itemized list of stolen/recovered items from your report; and/or omitting the written witness statement from your report.

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders; and/or 3-01/050.10, Performance to Standards; and/or 3-01/040.70, False Statements, on or about June 15, 2002, you falsely presented the circumstances of a private person's arrest to your field supervisor, as a misdemeanor crime, and obtained authorization for the field release.

Additionally, you improperly completed a "Field Release," as evidenced by, but not limited to, improperly issuing a citation to a suspect, without verified identification.

3. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about February 24, 2004, during your subject interview, you failed to provide full, complete and/or truthful statements, as evidenced by, but not limited to, giving vague and/or contradictory responses while indicating you had a poor recollection of the incident, and/or allegedly losing an important piece of evidence (your field notebook) which would have refreshed your memory concerning the incident.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Neal Tyler on July 22, 2004, at 1500 hours, in his office, which is located at Sheriff's Headquarters Building, 4700 Ramona Boulevard, Monterey Park, on the 4th Floor. If you are unable to appear at the scheduled time and wish to schedule some other time prior to July 22, 2004, for your oral response, please call Chief Tyler's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Tyler's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Tyler's office by no later than July 22, 2004.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Eric B. Smith, Captain
Commander, Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

EBS:lh

c: Advocacy Unit
Employee Relations Unit
Chief Neal Tyler, FORI
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # 2101948)

LOS ANGELES COUNTY DISTRICT ATTORNEY **CHARGE EVALUATION WORKSHEET**	☐ Further investigation requested. ☐ Probation Violation in lieu of filed. ☒ Prosecution declined.	DA CASE NO. 23211014	Page 1 of 4 Date: August 26, 2003
		POLICE CASE NO. (DR OR URN NO.) 402-00069-2003-325	DA OFFICE CODE J.S.I.D. 02-1001R

SUSPECT DATA

NO.	SUSPECT NAME	BKNG NO.	CHARGE	REASON
01	GARCIA, ROEL	N.I.C.	PC118.1	H - Other

DESCRIPTION
SEE ATTACHED.

STEVE COOLEY District Attorney	COMPLAINT DEPUTY (PRINT) DANIEL W. BAKER/smm	DEPUTY CODE 168496	COMPLAINT DEPUTY (SIGNATURE) Daniel W Baker	REVIEWING DEPUTY [signature]

In submitting this matter for consideration of a complaint, written reports of substantially all available evidence (except as to the oral information, if any, purporting to have been given by me and which is fully and correctly stated above) have been submitted to the above-named Deputy (copies of which are attached hereto) except the following:

The disposition of this matter will be final unless the commanding officer requests reconsideration of the case, stating his reasons on the back of this form.

MAILED 09|10|09
OFFICER - SGT. ENRIQUE GARZA
L.A.S.D. I.C.I.B.

Thee Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of allegations that Los Angeles County Sheriff's Deputy Roel Garcia, [redacted] filed a false report in violation of Penal Code section 118.1, and falsified a government document in violation of Government Code section 6200. For the reasons set forth below, we decline to initiate criminal proceedings against Deputy Garcia.

FACTUAL ANALYSIS

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department Internal Criminal Investigations Bureau on November 22, 2002, by Sergeant Enrique Garza.

On June 15, 2002 [redacted] shoplifted $946.99 worth of merchandise from a Target Store in Duarte, California. Thomas was homeless and claimed to be eight and one-half months pregnant. She was taken into custody by Target Loss Prevention Agents [redacted] and [redacted], who observed her steal the merchandise. The Los Angeles County Sheriff's Department was called and Deputies [redacted] and Roel Garcia responded to the store. In spite of [redacted] conduct and the value of the merchandise she had taken, Deputy Garcia cited [redacted] for petty theft instead of burglary, grand theft, or petty theft with a prior, and cited her to court. On July 31, 2002, she was convicted for this petty theft arrest.

Sergeant Garza' investigation revealed multiple discrepancies in Deputy Garcia's Incident Report. Deputy Garcia neglected to mention in his report that Deputy Stroble was present.

[redacted] was without identification at the time of her apprehension. Deputy Garcia told Sergeant Timothy Phillips that she had valid identification when he sought Sergeant Phillip's approval to cite and release her.

While waiting for deputies to arrive [redacted] inventoried and created an itemized receipt for the value of the 59 merchandise items in Thomas's possession, which, excluding tax, was $946.59. Deputy Garcia listed only 25 items in his report and set the total value of those items at $316.36 in the Property section of his report and at $394.64 in the Statistical Information section of his report.

[redacted] told [redacted] that she had stolen the items so that she could sell them. [redacted] included this statement in his Narrative Report. Deputy Garcia omitted this statement from his report, and wrote that Thomas told him that she had not planned on stealing at the time she entered the store.

[redacted] photographed the merchandise and held it in the office until Deputies Garcia and

[redacted] arrived. Deputy Garcia wrote in his report that the merchandise had been returned to the shelf before his arrival and that no photos were taken of the merchandise.

[redacted] reported that he gave his Narrative Report and the itemized receipt of the merchandise totaling $946.59 to Deputy Garcia, but that Deputy Garcia left the photographs behind. Deputy Garcia did not attach [redacted] Narrative Report or the itemized receipt to his Incident Report. Sergeant Garza reviewed approximately 20 petty theft reports written by Deputy Garcia while assigned at the Temple Sheriff's Station. All of them had an itemized receipt and a photograph of the recovered merchandise attached.

Deputy Garcia wrote in his Incident Report that he escorted [redacted] to his patrol vehicle to run her for wants and warrants. Although the reason he claims he took [redacted] to his patrol vehicle was to check for wants or warrants, he did neither.

Deputy Garcia wrote in his Incident Report that Temple Station Secretary Gruel "ran" [redacted] and informed him of no prior arrests for theft. Secretary Gruel could not "inform" Deputy Garcia of any prior arrests for theft because Secretary Gruel did not run [redacted] criminal history. Secretary Gruel ran only [redacted] name and determined that Thomas had a CII number. Had Secretary Gruel "run" [redacted] CII number she would have found that [redacted] had nine aliases, two felony convictions, and multiple misdemeanor convictions for forgery, grand theft, burglary, battery and vandalism. Had Secretary Gruel checked the Sheriff's Department's own records, she would have found that [redacted] had been arrested and cited out by a Temple Station Deputy just 35 days earlier for a petty theft at the Wal-Mart around the corner from Target.

Deputy [redacted] was interviewed by Sergeant Garza on September 4, 2002. Although he could recall almost verbatim a conversation he had with one of the loss prevention agents outside of the store, he remembered virtually nothing about the crime he had gone to the store to assist Deputy Garcia investigate.

After [redacted] release, she was arrested on June 26, 2002, by the Monrovia Police Department for burglary and petty theft at the Albertson's grocery store, two blocks west of Target. On August 23, 2002, [redacted] was arrested by the Sheriff's Department at the Wal-Mart around the corner from Target for another petty theft. On October 8, 2002, [redacted] visited Target again and stole a VCR. When detained by [redacted] tried to stab him with a six-inch knife and managed to escape. She was apprehended by Sheriff's Deputies a short while later and charged in felony case number GA051078 with petty theft and assault with a deadly weapon on [redacted]

16e

CONCLUSION

Although Deputy Garcia's actions in this matter may have been motivated by elements of sympathy for [redacted] condition and situation, such conduct unnecessarily placed the community at risk. [redacted] was arrested on three subsequent occasions, one of which involved an assault with a knife on the same Target employee who arrested her in June 2002.

In addition, Deputy Garcia's conduct in this matter undermines his credibility as a law enforcement officer, and consequently, as a witness in future criminal proceedings. He also faces the real possibility of dismissal from his position as a Deputy Sheriff and preclusion from employment by any agency as a law enforcement officer. However, under the particular facts of this case, the interests of justice would not be served by imposing criminal liability on Deputy Garcia in addition to the potential administrative sanctions he faces.

For the reasons stated above, we decline to initiate criminal proceedings against Deputy Garcia. We are closing our file and will take no further action in this matter.

SETTLEMENT AGREEMENT

This agreement is entered into between the Los Angeles County Sheriff's Department (hereinafter referred to as "Department") and Roel Garcia, Deputy Sheriff, Employee Number. [redacted] (hereinafter referred to as "Deputy Garcia").

RECITALS

The Department and Deputy Garcia are interested parties in the appeal from the discipline imposed in the revised Letter of Imposition, and relates to Civil Service Case No. 04-323 and IAB No. 2101948. Both desire to resolve all disputes arising out of the appeal, to avoid litigation and further administrative process upon the terms and conditions hereinafter set forth.

NOW THEREFORE, the Department and Deputy Garcia for, and in consideration of the mutual covenants herein, agree as follows:

1. The Department will, upon execution of this agreement, will reduce the Discharge to a twenty-five (25) day suspension pursuant to revised imposition letter. The parties agree that they will abide by all the conditions set forth and contained within this agreement.

2. Of the twenty-five (25) suspension days, seventeen (17) suspension days will be considered served effective August 13, 2004 through August 29, 2004.

3. The remaining eight (8) suspension days of the twenty-five (25) day suspension will be held in abeyance for a period of one (1) year from the date of execution of this agreement.

4. In the event, Deputy Garcia is the subject of a founded investigation involving similar violations, within the one (1) year period of his return to duty, then the eight (8) days held in abeyance will be imposed.

5. Deputy Garcia understands that he may be subject to additional discipline for each and every subsequent founded violation of the Department's Manual of Policy and Procedures.

6. A revised Letter of Imposition will be written to reflect the new charges as follows:

    a. That in violation of Manual of Policy and Procedures Section 3-01/030.10, Obedience to Laws, Regulations and Orders; and/or 3-01/050.10, Performance to Standards; and/or 3-01/040.70, False Statements, on or about June 15, 2002, while assigned a shoplifting incident at the Target Store in the City of Duarte wherein the Loss Prevention Officers had arrested a homeless pregnant female suspect for stealing nearly $1,000 in merchandise, you documented the incident erroneously in an official incident report, as evidenced by, but not limited to, recording the amount of stolen merchandise as under $400; and/or omitting the itemized list of

stolen/recovered items from your report; and/or omitting the written witness statement. You erroneously presented the circumstances of a private person's arrest to your field supervisor, as a misdemeanor crime, instead of as a felony crime, and improperly obtained authorization for the field release.

b. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations on or about February 24, 2004, during your subject interview, you omitted to provide full and complete statements.

c. The revised Letter of Imposition will reflect the terms of this settlement agreement.

7. Deputy Garcia will receive back pay and benefits pursuant to the County Code from August 30, 2004 through October 4, 2005.

8. Deputy Garcia understands that he will only be entitled to back wages, as set forth in this agreement, when he has provided the Department with an original Declaration of Earnings for the period referenced above. Any such outside earnings, during that period, will be deducted from any back pay owing Deputy Garcia.

9. Upon his return to work, Deputy Garcia will be assigned to Temple Station, Field Operations Region I. Initially, Deputy Garcia will be assigned as a non-field position on a temporary basis. After nine (9) months, Deputy Garcia will be expected to perform regular patrol duties at Temple Station and/or he retains the option to transfer out of Temple Station consistent with Department policy and the MOU.

10. Deputy Garcia agrees to waive any and all further administrative or judicial remedies with respect to the modified discipline as stated herein, including but not limited to the Los Angeles County Civil Service Commission or the Los Angeles County Employee Relations Commission. Deputy Garcia agrees to withdraw his appeal to the revised Letter of Imposition, Civil Service Case No. 04-323, upon submission of said Letter of Imposition.

11. Moreover, Deputy Garcia agrees to waive all rights in the revised Letter of Imposition pursuant to Skelly v. State Personnel Board (1975) 15 Cal.3d 194 Cal.Rptr. 14.

12. The parties further agree that this settlement shall not be considered, cited or used in any future dispute between the Department and any other department employee as establishing precedent or past employment practice. This Agreement resolves the dispute between Deputy Garcia and the Department, and is not to be applied to any other facts or disputes.

13. In consideration of the terms and conditions set forth herein, the parties agree to fully release, acquit and forever discharge the County, their heirs, successors, assigns, and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the revised Letter of Imposition and the investigation , up to and including the Civil Service appeal, and settlement thereof. Additionally, Deputy Garcia specifically acknowledges that he has not been the subject of discrimination in any form, including but not limited to discrimination based upon age, race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status or sex, and that he has no claim against the Department for any such discrimination, whether any such claim is presently known or not known to him, arising out of the appeal.

14. The employee further agrees, with regard to the revised Letter of Imposition, to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

15. The parties agree that this Agreement may be specifically enforced in court and may be used as evidence in a subsequent proceeding in which any of the parties allege a breach of this Agreement.

16. The parties agree that the terms of this Agreement shall remain confidential, with the exception of the parties' attorney(s). The parties further agree there shall be no publication of the existence of this Agreement.

17. The parties agree that this is the complete settlement agreement and that no other promises have been made by either party. The parties further agree that no changes may be made to this settlement agreement unless both parties reduce the changes to writing and sign them. The "date of execution" and the "effective date" shall be the latest of the dates set forth below.

I have read the forgoing Settlement Agreement and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences. I further acknowledge that I have been afforded the opportunity to consult with legal counsel prior to signing this agreement.

DEPUTY ROEL GARCIA, [redacted]

10/12/05
Date

APPROVED AS TO FORM ONLY:

VICKI I. SARMIENTO

10/12/05
Date

FOR THE DEPARTMENT:

NEAL B. TYLER, CHIEF
FIELD OPERATIONS REGION I

10/25/05
Date



County of Los Angeles

Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

August 12, 2004

Deputy Roel Garcia, [redacted]

Deputy Garcia:

On July 6, 2004, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2101948. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, your Division Chief determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on August 12, 2004.

An investigation under File Number IAB 2101948, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders; and/or 3-01/050.10, Performance to Standards; and/or 3-01/040.70, False Statements, on or about June 15, 2002, while assigned a shoplifting incident at the Target Store in the City of Duarte wherein the Loss Prevention Officers had arrested a pregnant female suspect for stealing nearly $1,000 in merchandise, you documented the incident erroneously in an official incident report, as evidenced by, but not limited to, recording the amount of stolen merchandise as under $400; and/or omitting the itemized list of stolen/recovered items from your report; and/or omitting the written witness statement from your report.

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders; and/or 3-01/050.10, Performance to Standards; and/or 3-01/040.70, False Statements, on or about June 15, 2002, you falsely presented the circumstances of a private person's arrest to your field supervisor, as a misdemeanor crime, and obtained authorization for the field release. Additionally, you improperly completed a "Field Release," as evidenced by, but not limited to, improperly issuing a citation to a suspect, without verified identification.

3. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about February 24, 2004, during your subject interview, you failed to provide full, complete and/or truthful statements, as evidenced by, but not limited to, giving vague and/or contradictory responses while indicating you had a poor recollection of the incident, and/or allegedly losing an important piece of evidence (your field notebook) which would have refreshed your memory concerning the incident.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

William T. Stonich

WILLIAM T. STONICH
UNDERSHERIFF

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

WTS:WJM:EBS:rjb

c: Advocacy Unit
Neal B. Tyler, Chief, Field Operations Region I
Richard W. Shaw, Captain, Temple Station
Internal Affairs Bureau
Office of Independent Review (OIR)
Personnel Administration